

REMARKS

With this response, Claim 17 has been amended as suggested by the Examiner to substitute the word "slid" for the word "slided;" and Claims 1, 3, 13, 35 and 38 have been amended to deal with antecedent problems and other concerns raised in the Office Action. Withdrawal of the 35 USC 112 rejection is respectfully requested in view of the amendments made herewith.

Applicant acknowledges with appreciation the Examiner's indication that many of the claims of this application contain allowable subject matter. With this response, Claims 10, 14, 18, 21, 30, 34, 37 and 48 have been amended to put these claims in independent form whereby these claims, together with Claims 11, 15, 16, 19, 20, 22, 23, 31, 35, 36, 38 and 39 (which depend directly or indirectly from one of the rewritten claims) should be deemed to be in good form for prompt allowance.

The only reference cited in rejecting several of Applicant's claims, namely the Panitzsch patent, discloses a roll-up paint shield that must be held in place by supplemental fastening devices, namely nails that are pounded into the very woodwork that the Panitzsch "shield" is intended to protect. The one and only means disclosed in Panitzsch for holding his woodwork protector in place is the use of so-called "pins 15" which are depicted in the drawings as having pointed front end regions -- pointed pins that look like and function exactly as "nails" when they are pounded into the very woodwork that the so-called "shield" of Panitzsch is intended to "protect," thereby leaving behind damaged, defaced and deformed wood with visible nail holes -- exactly what Applicant's device is intended to prevent, as is emphasized toward the top of Page 4 of Applicant's specification wherein it is pointed out that Applicant's shield does not leave behind tape or any other form of residue.

Applicant's paint shield, as called for in amended independent Claims 1, 17, 24 and 40, employs no supplemental fastening devices -- certainly no nails -- and is intended to be used with materials (typically steel frames and glass or plastic lenses) that cannot be nailed into -- materials with which the paint shield of Panitzsch would be completely useless and is utterly inoperative.

There is no mention in Panitzsch of his shield elements 16 and 17 ever being inserted between any two objects, much less of utilizing the insertion of peripheral portions of shields to hold a paint shield in place. Instead, Panitzsch relies on pointed pins 15 -- and, as can not be overemphasized, this is the only method of support disclosed in Panitzsch for holding his woodwork protector in place.

Nor is there any teaching or suggestion in the Panitzsch reference that points to how one might, would, could or should modify the Panitzsch woodwork protector to enable it to serve as a paint shield for use with metal framed, rigid lensed type light fixtures. The disclosure of Panitzsch accordingly does nothing to teach or suggest the invention of Applicant's amended Claims 1, 17, 24 and 40 -- it being noted that all four of these amended independent claims call for a paint shield that is held in place by virtue of its edge portion insertion between an object being protected and an adjacent object -- an arrangement that is not taught or suggested by Panitzsch.

As Applicant's amended Claims 1, 17, 24 and 40 also emphasize, the material used to form the paint shield is sufficiently stiff to not curl and to not roll up -- which is quite unlike the material utilized by Panitzsch which he says is "manifest" -- a word that, in present day English can be translated as meaning "terribly important" -- to be capable of being curled, coiled and rolled up. What Panitzsch teaches and suggest is not the use of a sag

resistant stiff material that resists curling and rolling, but rather a highly flexible material that is designed to curl and to roll up.

As a careful reading of Panitzsch makes quite clear, the material he uses must be capable of being rolled up not only to diminish its size when used to cover small areas, but also to minimize size for storage and to facilitate transport. See, for example, the sentence on the bottom fourth of Page 2 of Panitzsch which says:

It is also manifest that the material forming the shield may be rolled around the strip as a core to further reduce the dimension of the article thereby reducing the space necessary in which to store the article and facilitating transportation of the device from one job to another.

Because independent Claims 1, 17, 24 and 40, as amended herewith, clearly bring out that the shield material employed by Applicant is sufficiently stiff to avoid curl and roll up, and because these independent claims, as amended, bring out that the claimed shield is held in place by having edge portions inserted between a frame and peripheral portions of a lens -- a retaining method that is in no way taught or suggested by Panitzsch which discloses, instead, a retaining means that is quite unsuitable for use with light fixtures, it is urged that independent Claims 1, 17, 24 and 40, and Claims 2-9, 12, 13, 25-29, 32, 33 and 41-47 which depend either directly or indirectly from one of the amended independent claims, be reconsidered and allowed.

Panitzsch's roll-up woodwork protector that is held in place by pounding nails into the very surface that supposedly is being shielded is quite unlike the invention called for in amended independent Claims 1, 17, 24 and 40, hence reconsideration and withdrawal of the "obviousness"

rejections, and allowance of Applicant's claims are respectfully requested.

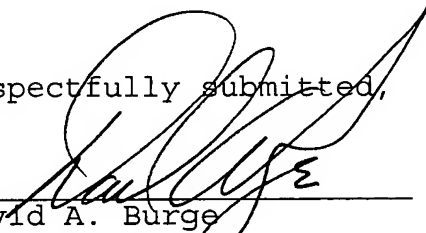
If the Examiner should find any remaining issues or concerns that perhaps can be resolved by telephone, the Examiner is encouraged to call the undersigned attorney, for counsel will gladly cooperate with the Examiner in any reasonable way that will advance the prosecution of this case to successful conclusion.

4/8/05

Date

Tel: 216/921-8900

Respectfully submitted,



David A. Burge

Reg. No. 24,390

Fax: 216-921-0209